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AT ROANOKE, VA  
FILED  
1/31/2025  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

<b>KENDAL MARTIN,</b>	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. 7:23cv00807</b>
	)	
<b>v.</b>	)	<b>MEMORANDUM OPINION</b>
	)	
<b>ISRAEL HAMILTON, et al.,</b>	)	<b>By: Robert S. Ballou</b>
<b>Defendants.</b>	)	<b>United States District Judge</b>

Kendal Martin, a Virginia inmate proceeding *pro se*, filed this suit against the defendants, under 42 U.S.C. § 1983, alleging excessive, unreasonable, and humiliating strip searches in violation of the Fourth and Eighth Amendments. On August 23, 2024, defendants filed a Motion for Summary Judgment under FED. R. CIV. P. 56. Shortly thereafter, the court issued to plaintiff the notice required by *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 1975). The *Roseboro* notice advised Martin that he had 21 days to respond to the Motion for Summary Judgment, and that if he did not respond, the court would “assume that Plaintiff has lost interest in the case, and/or that Plaintiff agrees with what the Defendant[s] state in their responsive pleading(s).” ECF No. 19. The notice further advised Martin that, if he wished to continue with the case, it was “necessary that Plaintiff respond in an appropriate fashion” and that, if he failed to file a response within the time allotted, the court “may dismiss the case for failure to prosecute.” *Id.*

The defendants’ Motion for Summary Judgment has been pending for over four months, and Martin has not filed any response. Therefore, the court will dismiss Martin’s complaint without prejudice for failure to prosecute.

An appropriate order will be entered.

Enter: January 31, 2025

*/s/ Robert S. Ballou*

Robert S. Ballou  
United States District Judge